

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rulemaking to implement the provisions of
Public Utilities Code § 761.3 enacted by
Chapter 19 of the 2001-02 Second Extraordinary
Legislative Session.

Rulemaking 02-11-039
(Filed November 21, 2002)

**SCOPING MEMO AND RULING
OF ASSIGNED COMMISSIONER**

Pursuant to Article 2.5 of the Commission's Rules of Practice and Procedure (Rules), including Rules 6(c)(2) and 6.3, this Scoping Memo and Ruling addresses: (1) categorization, (2) issues, (3) schedule, (4) hearing, (5) final oral argument, (6) service list, (7) service, (8) intervenor compensation, and (9) Article 2.5. The Commission's Rules are available on the Commission's web site.¹

1. Categorization

The Commission categorized this proceeding as quasi-legislative. (Order Instituting Rulemaking (OIR), page 10.) No objections were filed. (Rule 6(c)(2).) The categorization of this proceeding is quasi-legislative. In a quasi-legislative proceeding, ex parte communications are allowed without restriction or reporting requirement. (Rule 7(d).)

¹ http://www.cpuc.ca.gov/PUBLISHED/RULES_PRAC_PROC/8508.htm.

2. Issues

The issues were initially identified in the preliminary scoping memo as part of the OIR. Respondents and parties addressed issues in filed and served responses and prehearing conference (PHC) statements in December 2002, and PHC statements in February 2003. Issues were further discussed at a PHC held on February 10, 2003. Based on this information, the issues to be addressed in Phase 1 of this proceeding are stated in Attachment A. The issues to be addressed in Phases 2 and 3 are stated in Attachment B.

3. Schedule

Parties were asked to comment on the schedule, including possible phases. (Ruling dated January 31, 2003, page 4.) No comments in opposition were stated. Therefore, the proceeding will be conducted in phases. This will allow the Commission proceeding to be as compatible as possible with the work of the California Electricity Generation Facilities Standards Committee (Committee). Three phases will be used:

- Phase 1: Maintenance Standards

- Phase 2: Logbook Requirements

- Outage Protocol Enforcement

- Phase 3: Operations Standards

- Private Generator Agreements (PGAs)

- Ensuring Facilities Remain Available and Operational

Many parties recommended that the Commission's schedule be reasonably flexible, and allow sufficient time for completion by the Committee of its work. To the extent possible, the adopted schedule allows time, and is flexible, while seeking to accomplish important work by Summer 2003. The schedule is contained in Attachment C, and may be modified further as events require (*e.g.*, delays in Committee work; the grant of a motion for hearing).

The schedule provides for the filing and service of several documents (*e.g.*, proposals, comments, reply comments). To the fullest extent possible, parties should use the same outlines for these documents. The use of the same outline promotes understandability, consistency, completeness, and facilitates replies to opening documents. Parties should use their best efforts to agree on the outline(s), and should bring any unresolved disputes to the attention of the Administrative Law Judge assigned to that phase with sufficient time before the document is due to allow a reasonable opportunity for resolution. Parties are encouraged to adopt an outline that parallels the statement of issues, but may adopt any alternative that is reasonable and to which they generally agree.

The goal is to complete this proceeding by May 21, 2004 (18 months from its initiation). In no event, however, will resolution exceed 18 months from the date the rulemaking was filed, pursuant to Senate Bill 960, Section 13.

4. Hearing

The preliminary scoping memo in the OIR states: “the investigation...is expected to require hearings.” (OIR, page 7.) Parties were asked to comment on whether or not hearings would be required (Ruling dated January 31, 2003, page 5), and did so in PHC Statements and at the PHC.

While some parties recommend that hearings be held, other parties are comfortable with later filing motions for hearing. No party makes a convincing case that formal hearings should be scheduled now. As a result, the adopted schedule does not include formal hearing. Rather, the schedule includes opportunities for parties to file motions for formal hearing and responses.

A motion for hearing must be filed and served by the dates shown in the attached schedules. A motion shall state (1) the disputed issue of material fact or disputed expert opinion raised in this proceeding, (2) citation to the fact or issue,

where appropriate (*e.g.*, in a document or pleading), (3) justification for hearing (*e.g.*, why the disputed fact or expert opinion is material), (4) what the moving party would seek to demonstrate through the hearing, (5) whether the disputed fact is an adjudicative or a legislative fact (Rule 8(f)), (6) the evidence the party would seek to introduce at the hearing, (7) a proposed schedule, and (8) anything else necessary for the purpose of making an informed ruling on the motion. Any right a party may otherwise have to a hearing is waived if the party does not file and serve a timely motion requesting hearing.

A response to any such motion may be filed and served. A response must be filed and served by the date shown in the attached schedule.

Absent the grant of a motion for hearing, the record will be composed of all filed and served pleadings and documents (*e.g.*, Committee adopted Standards, comments, reply comments, proposals). The Commission decision will be based on that record. If hearing is held, the record will also include evidence received at hearing. If motion for hearing is made and granted, the adopted schedule will be modified at that time.

5. Final Oral Argument

A party in a quasi-legislative proceeding has the right to make a final oral argument before the Commission, if the final oral argument is requested within the time and manner specified in the Scoping Memo or later ruling. (Rule 8(d).) Parties shall use the following procedure for requesting final oral argument.

Any party seeking to present final oral argument shall file and serve a motion by the date specified in the attached schedule. The motion shall state the request, the subject(s) to be addressed, the amount of time requested, recommended procedure and order of presentations, and anything else relevant to the motion. The motion shall contain all the information necessary for the

Commission to make an informed ruling on the motion, providing for an efficient, fair, equitable, and reasonable final oral argument. If more than one party plans to move for final oral argument, parties shall use their best efforts to present a joint motion, including a joint recommendation on procedure, order of presentations, and anything else relevant to the motion. A response to the motion may be filed, and shall be filed and served by the date in the adopted schedule.

If a final determination is subsequently made that no hearing is required in one phase of this proceeding, Rule 8(d) shall cease to apply, along with a party's right to make a final oral argument in that phase. The following events will be the final determination that no hearing is required: if no motion for hearing is filed by the deadline in each phase in the adopted schedule for such motion, or upon a ruling that denies a motion for hearing in that phase.

6. Service Lists

A temporary service list was created following the December 20, 2002, meeting of the Committee. (Ruling dated December 10, 2002.) This service list was used to support the work of the Committee. In particular, it was used for the purpose of participants serving comments and reply comments on proposed standards.

Parties appearing at the PHC were asked to comment on whether or not one or two service lists should be used. That is, whether or not the Commission should maintain, and parties be required to use, one list for service of pleadings before the Committee, and another for service of pleadings in the Commission's Rulemaking. (Ruling dated January 31, 2003, page 3.)

Every party but one agreed with the adoption of one list for both Committee and Commission work. One party objected on the basis that certain

rights might not otherwise be preserved. Those rights, however, are not affected by the use of one or two lists. As a result, one list will be used.

To the extent necessary, persons on the temporary list are brought forward so they can continue to receive service of documents and pleadings for the work of the Committee.² This Scoping Memo and Ruling shall be served on both the old (temporary) service list and the new (composite) service list so that errors, if any, can be brought to the attention of Administrative Law Judges Thorson and Mattson.

The official service list is posted on the Commission's web page. Parties should confirm that the information is correct, and provide corrections where necessary as soon as possible to the Commission's Process Office, with a copy served on the service list. Updates will be posted on the web page, and parties should use the most current service list for service of each document or pleading.

In creating the service list at the PHC, appearances were accepted from some persons or entities as interested parties rather than as respondents. This was done as an administrative convenience to create the service list and move the proceeding forward. This neither changes the Commission's designation of some persons or entities as respondents (OIR, Ordering Paragraph 2), nor modifies any legal obligation a respondent may have.

² The exceptions are: (a) some persons identified as appearances on the temporary list are moved, with their concurrence, to information only; (b) the power plants listed on the temporary service list in the information only category are deleted since they are represented by counsel identified in the appearance category; (c) agents for service are deleted since the appearance for the respondent/interested party was taken at the PHC. Corrections to category (appearance, state service, information only) should be brought to the attention of Administrative Law Judges Thorson and Mattson.

7. Service

Parties were also asked to comment on the desirability of adopting a rule that service of documents and pleadings may be by electronic mail, with limited exceptions. (Ruling dated January 31, 2003, pages 3-4.) No objections were stated.

As a result, service of documents and pleading in this proceeding will be by electronic mail, with limited exceptions. (Rule 2.3(b).) Paper service will be required on any person on the service list who does not have an electronic mail address, and on any person who requests service of a paper copy. Further, paper service in addition to electronic service shall be performed on Administrative Law Judges Thorson (for Phase 1) and Mattson (for Phases 2 and 3). The adoption of an electronic service requirement does not supercede the Commission's rule for the filing of paper copies. Any person tendering a document for filing shall submit an original and four copies. (Rule 2.5.) Documents must be submitted to the Commission's Docket Office, 505 Van Ness Avenue, San Francisco, California 94102, or at other locations as specified in Rule 3.

Service of documents or pleadings by parties is generally required only on other appearances and state service participants, but not information only participants. This reduces the cost and burden of paper service on parties. Since electronic service is much less costly, however, electronic service will be required here on persons not only in the appearance and state service categories, but also in the information only category.

8. Intervenor Compensation

The PHC in this matter was held on February 10, 2003. Pursuant to Public Utility Code § 1804(a), a customer who intends to seek an award of

compensation shall file and serve a notice of intent to claim compensation no later than March 12, 2003.

9. Article 2.5

The rules and procedures in Article 2.5 (concerning categorization, ex parte communications, and other matters) currently apply, and will continue to apply if hearing is held. Article 2.5 will cease to apply, however, upon a final determination that no hearing is needed. (Rule 6.6.) Moreover, the Commission's rules are to be liberally construed to secure just, speedy and inexpensive determination of the issues presented. (Rule 87.)

In this case, Article 2.5 will be applied separately in each phase. This application is adopted for the purpose of securing just, speedy and inexpensive determination of the issues. Thus, if no motion is made for hearing by the deadline in the adopted schedule in each phase, Article 2.5 shall cease to apply beginning the next day in that Phase. If a motion for hearing is made but denied, Article 2.5 shall cease to apply in that phase beginning the day after the ruling denying the motion for hearing in that phase. The matters covered in this Scoping Memo, however, shall continue to apply. (Rule 6.6.)

IT IS RULED that:

1. The categorization of this proceeding is quasi-legislative for the purpose of Article 2.5 of the Commission's Rules of Practice and Procedure (Rules). Ex parte communication is allowed without restriction or reporting requirement.
2. Phase 1 is assigned to Administrative Law Judge John E. Thorson, and Phases 2 and 3 are assigned to Administrative Law Judge Burton W. Mattson.
3. The issues are set forth in Attachments A and B.
4. The schedules are set forth in Attachment C.

5. Parties shall use their best efforts to agree on a common outline for filed documents and pleadings (*e.g.*, proposals, comments, reply comments), and shall bring disputes to the attention of the Administrative Law Judge assigned to that phase with sufficient time to allow a reasonable opportunity for resolution.

6. Formal hearing is not scheduled, but will be held if motion is made and granted. Motion for hearing, if any, shall contain the information stated in the body of this Scoping Memo and Ruling.

7. The record shall be composed of all filed and served documents and pleadings. If hearing is held, the record shall also include evidence received at hearing.

8. A party may request final oral argument and, in making that request, shall follow the procedures described in the body of this Scoping Memo and Ruling.

9. The Commission shall not maintain one service list for use of participants before the California Electricity Generation Facilities Standards Committee (Committee), and another for use of parties in this proceeding. Rather, one service list shall be maintained for use in both matters. Parties shall review the accuracy of the information on the service list, and provide corrections as soon as possible to the Commission's Process Office, with a copy served on the service list. Acceptance of an appearance as an interested party for the purpose of creating the service list neither changes the Commission's designation of some persons or entities as respondents, nor modifies any legal obligation a respondent may have.

10. Service of documents and pleadings shall be by electronic mail with limited exceptions. Service of a paper copy shall be required on each person on the service list who does not have an electronic mail address, and on each person who requests paper service. Paper service in addition to electronic service is

required on Administrative Law Judges Thorson and Mattson. Electronic service shall be performed on not only those persons in the appearance and state service categories of the service list, but also on those in the information only category.

11. A customer who intends to seek an award of compensation for intervenor fees and expenses shall file and serve a notice of intent to claim compensation by March 12, 2003.

12. If hearing is not required in any phase of this proceeding as described in the body of this Scoping Memo, Article 2.5 of the Rules shall cease to apply, but the matters covered in this Scoping Memo and Ruling shall continue to apply.

13. This Scoping Memo and Ruling shall be served on the temporary service list maintained for the Committee, and on the service list for this proceeding.

Dated February 19, 2003, at San Francisco, California.

/s/ Carl Wood
Carl Wood
Assigned Commissioner

ATTACHMENT A: STATEMENT OF ISSUES

Phase 1 Issues: Implementation and Enforcement of Maintenance Standards

I. INTRODUCTION

The following issues statement is based on the ruling setting the Prehearing Conference, the statements filed in advance of the conference, and comments made at the conference. For convenience, the most of the issues are organized into implementation and enforcement categories although there is overlap between the two groups.

Please use the issue number (*e.g.*, “1.1”) when commenting on any of the following issues, and please organize your comments in numerical order, by issue number. Additionally, parties are invited to submit a proposed set of rules, proposed general order, or similar document setting out in a more comprehensive fashion the implementation and enforcement procedures they recommend.

II. DEFINITIONS

The following definitions are used in this issues statement:

- “Committee” means the California Electricity Generation Facilities Standards Committee established in Public Utilities Code section 761.3(b)(1).
- “Commission” means the California Public Utilities Commission.
- “CAISO” means the California Independent System Operator.
- “Maintenance Standards” mean those final maintenance standards adopted by the California Electricity Generation Facilities Standards Committee, pursuant to Public Utilities Code section 761.3(b)(1).

III. RELEVANT LAW (CAL. PUB. UTIL. CODE § 761.3(a))

The Commission “shall implement and enforce standards adopted . . . [by the Committee] for the maintenance . . . of facilities for the generation of electric

energy owned by an electrical corporation or located in the state to ensure their reliable operation.”

IV. ISSUES

1. **Implementation**--How should the Commission implement such standards (*e.g.*, by adoption of a General Order, by incorporation in CAISO tariffs, by another method)?
 - 1.1 Should the “Maintenance Guidelines for Electric Generating Facilities,” Appendix A to the maintenance standards, be implemented as mandatory requirements or discretionary recommendations?
 - 1.2 What procedural methods should be used to implement the standards (*e.g.*, educational and training activities, personnel testing or certification, published materials, web-based materials, stakeholder advisory committee)?
 - 1.3 How will the Commission’s enforcement of the maintenance standards relate to the Commission’s ratemaking and regulatory functions?
 - 1.4 Should the Commission provide a procedure for electric generators to learn, in advance, whether they are exempt from the maintenance standards?
 - 1.5 Without proposing modifications to the Maintenance Standards themselves, what provisions should be made in the implementation of the standards to recognize the varying age, close-to-retirement status, or different technologies of the regulated units?
 - 1.6 The Committee may amend the Maintenance Standards after this rulemaking proceeding is completed. How will such changes be incorporated into the Commission’s implementation and enforcement program?
 - 1.7 What will be the legal status of the Maintenance Standards if and when the Committee ceases its existence?
 - 1.8 What are the areas, if any, of potential overlap between the maintenance standards and any binding standards of the CAISO, Western Electricity Coordinating Council, and North American Electric Council? Please explain more about the enforcement procedures used by the WECC and NAEC.

2. **Enforcement**--How should the Commission enforce such standards (*e.g.*, by the filing of reports; by customer or competitor complaint; by staff-initiated enforcement; by delegated enforcement authority to staff; by other means)?
 - 2.1 What procedural methods should be used to enforce the standards (*e.g.*, complaint or citation process, emergency directives, evidentiary hearings, appeals)?
 - 2.2 If the "Maintenance Guidelines for Electric Generating Facilities," Appendix A, are deemed discretionary recommendations, what measures other than legal sanction should be used to encourage their adoption?
 - 2.3 Section 3 of the Maintenance Standards provides a somewhat detailed set of procedures for enforcing the verification and audit process. What additional provisions or procedures, if any, should these rules provide concerning the verification and audit process?
 - 2.4 What types of violations should be penalized? What types of sanctions or penalties should be imposed? What factors should mitigate or enhance a penalty?
 - 2.5 To what extent, if any, can the Commission's enforcement procedures be incorporated or coordinated with the CAISO tariff? What would be the Commission's direct enforcement role under such an arrangement?
 - 2.6 What are the areas, if any, of potential overlap in the enforcement of the maintenance standards and the enforcement of similar standards by the CAISO, Western Electricity Coordinating Council, and North American Electric Council?
3. **Public Utility Status**--Does, or should, implementation and enforcement vary depending upon whether or not the electrical corporation or facility located in the state is or is not a public utility?

(END OF ATTACHMENT A)

**ATTACHMENT B:
STATEMENT OF ISSUES**

Phase 2 and 3 Issues

PHASE 2 ISSUES:

2.1. LOGBOOK REQUIREMENTS

Maintenance and Operation: The Commission “shall implement and enforce standards adopted... [by the California Electricity Generation Facilities Standards Committee--Committee] for the maintenance and operation of facilities for the generation of electric energy owned by an electrical corporation or located in the state to ensure their reliable operation.” (§ 761.3(a).)

- 2.1.1. How should the Commission implement logbook requirements adopted by the Committee?
- 2.1.2. Should electrical corporations or facilities located in the state be required to use a common format for paper and electronic copies of logbooks? If so, what specific format should be adopted?
- 2.1.3. Should an electronic copy of the logbooks be required to be available in “real time” to staff of the Independent System Operator and the California Public Utilities Commission (by access to a web site with entry by a unique password)?
- 2.1.4. How should the Commission enforce logbook requirements?
- 2.1.5. Does, or should, implementation and enforcement vary depending upon whether or not the electrical corporation or facility located in the state is or is not a public utility?
- 2.1.6. How should the Commission implement changes, if any, to logbook requires subsequently adopted by the Committee?
- 2.1.7. Each party should state the specific recommended vehicle (e.g., General Order) and specific recommended language the party proposes be adopted by the Commission.
- 2.1.8. Each party should state anything else necessary for Commission consideration in implementing and enforcing logbook requirements.

2.2. SCHEDULED OUTAGES

Scheduled Outages: The Commission “shall enforce the protocols for the scheduling of powerplant outages of the Independent System Operator.” (§ 761.3(a).)

- 2.2.1. What process should be used to determine whether or not outage scheduling protocols of the ISO are being followed?
- 2.2.2. What enforcement tools should be used to enforce the ISO protocols for the scheduling of powerplant outages?
- 2.2.3. How should the Commission implement changes, if any, to outage protocols of the Independent System Operator?
- 2.2.4. Each party should state the specific recommended vehicle (e.g., General Order) and specific recommended language the party proposes be adopted by the Commission.
- 2.2.5. Each party should state anything else necessary for Commission consideration in its enforcement of the protocols for scheduling powerplant outages.

PHASE 3 ISSUES:

3.1. OPERATIONS

Operations: The Commission “shall implement and enforce standards adopted... [by the California Electricity Generation Facilities Standards Committee] for the...operation of facilities for the generation of electric energy owned by an electrical corporation or located in the state to ensure their reliable operation.” (§ 761.3(a).)

- 3.1.1. How should the Commission implement operations standards?
- 3.1.2. How should the Commission enforce operations standards?
- 3.1.3. Does, or should, implementation and enforcement vary depending upon whether or not the electrical corporation or facility located in the state is or is not a public utility?
- 3.1.4. How should the Commission implement changes, if any, to operations standards subsequently adopted by the Committee?

- 3.1.5. Each party should state the specific recommended vehicle (e.g., General Order) and specific recommended language the party proposes be adopted by the Commission.
- 3.1.6. Each party should state anything else necessary for Commission consideration in its implementation and enforcement of operations standards.

3.2. PRIVATE GENERATOR AGREEMENTS

Enforcement Capability: “The Legislature finds and declares...it is in the public interest that the Public Utilities Commission seek enforcement capability from the Federal Energy Regulatory Commission regarding the private generator agreement [sic] to provide for broader state control of operational activities of generation facilities in the state.” (Section 1(c) of SB X2 39, Chapter 19, April 26, 2002.)

- 3.2.1. What types of private generator agreements or participating generator agreements are there, and what types should be addressed in the state seeking broader state control of operational activities of generation facilities?
- 3.2.2. What enforcement capabilities should the Commission seek from the FERC?
- 3.2.3. Each party should state the specific recommended vehicle and specific recommended language the party proposes be adopted by the Commission.
- 3.2.4. Each party should state anything else necessary for Commission consideration in enforcement capability.

3.3. ENSURING FACILITIES REMAIN AVAILABLE AND OPERATIONAL

Ensuring Facilities Remain Available and Operational: “In proceedings pursuant to Section 455.5, 851, or 854, the commission shall ensure that facilities...remain available and operational...” (§ 362(a).) “The commission shall require that generation facilities located in the state that have been disposed of in proceedings pursuant to Section 851, are operated...in a manner that ensures their availability to maintain the reliability of the electric supply system.” (§ 362(b).)

- 3.3.1. Beyond implementation and enforcement of Committee-adopted operation and maintenance standards and enforcement of ISO outage protocols, what methods should the Commission employ, or what rules or requirements should the Commission adopt, to ensure that facilities remain available and operational, and are operated in a manner that ensures their availability to maintain system reliability, in conjunction with proceeding pursuant to Section 455.5, 851, or 854?
- 3.3.2. Each party should state the specific recommended vehicle (e.g., General Order) and specific recommended language the party proposes be adopted by the Commission.
- 3.3.3. Each party should state anything else necessary for Commission consideration of ensuring that facilities remain available and operational to maintain the reliability of the electric supply system.

(End of Attachment B)

ATTACHMENT C**R.02-11-039
ADOPTED SCHEDULE**

Item	Phase 1 (Maintenance)	Phase 2 (Logbook; Outage)	Phase 3 (Operations; PGAs; Facility Availability)
Proposal to Committee	12/20/02	2/3/03	[1]
Workshop	--	--	
Comments to Committee	1/17/03	2/24	
Reply Comments to Committee	1/21	3/3	
Committee Meeting to Discuss	1/24	3/17	
Committee Meeting to Adopt	2/3	3/17 [2]	
PHC Statements	2/6	2/6	2/6
PHC	2/10	2/10	2/10
Scoping Memo and Ruling	2/14	2/14	2/14
<ul style="list-style-type: none"> ▪ Comments and Proposals from CPUC Staff and Parties on PUC Implementation and Enforcement ▪ Motions for Formal Hearing (FH) – Phase 1 	2/27	3/24 [3]	
<ul style="list-style-type: none"> ▪ Reply Comments ▪ Responses to motions for FH – Phase 1 	3/6	3/31	
Motions for FH – Phases 2 and 3	--	3/31	
Responses to Motions for FH – Phases 2 and 3		4/2	
Hearing before ALJ [4] 9:00 a.m. – 3:00 p.m	3/11	--	--
Proposed Decision (PD)	4/8	5/6	
Comments on PD; Motions for Final Oral Argument (FOA)	4/28	5/27	
Responses to Motions for FOA	4/30	5/29	
Reply Comments on PD; FOA	5/5	6/2	
Commission Decision	5/8	6/5	

ATTACHMENT C

The Adopted schedule assumes no formal hearing. A subsequent Ruling will modify the schedule if a motion for formal hearing is made and granted.

[1] Utilities are in the process of submitting documents showing the operations standards now in use at power plants. It is possible that the Committee will direct Staff to prepare proposed operations standards from these data responses. The Committee may also direct that the Staff proposal be the subject of a workshop, plus written comments and reply comments from parties, before being considered for adoption by the Committee. The Phase 3 schedule will be adopted by subsequent Ruling once the Committee has adopted a more specific schedule (scheduled for further consideration at the March 17, 2003 meeting). The adopted schedule will address all Phase 3 issues (operations, PGAs, and ensuring that facilities remain available and operational).

[2] This is Committee adoption of Final Logbook Requirements. A subsequent Ruling will modify the Phase 2 schedule (including both logbook and outage issues) if the Committee does not meet, or fails to adopt final logbook requirements, on March 17, 2003.

[3] Comments and proposals on implementation and enforcement of both (a) logbook requirements and (b) ISO outage protocols.

[4] Hearing (informal) or workshop before the Administrative Law Judge to hear from, and discuss with, parties the proposals, comments and replies. This hearing or workshop may be postponed or held as a PHC in the event a motion for formal hearing is made and granted.

(END OF ATTACHMENT C)

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Scoping Memo and Ruling of Assigned Commissioner on all parties of record in this proceeding or their attorneys of record.

Dated February 19, 2003, at San Francisco, California.

/s/ Antonina V. Swansen
Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.